

**H.B. 843 Kentucky Commission on Services and Supports for Individuals
With Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnosis
November 30, 2001, Meeting Minutes
Capital Annex, Room 129
Frankfort, Kentucky**

Commission Members Present: Representative Mary Lou Marzian, Co-Chair, Representative Barbara Colter, Commissioner Sam Serraglio, Commissioner Margaret Pennington, Dep. Secretary Larry Greathouse, Senator Charlie Borders, Tara Parker, Secretary Marcia Morgan, Maureen Fitzgerald, Commissioner Ralph Kelly, Gary Dennis, Angela Wilkins, Commissioner Mike Robinson.

Welcome: Co-Chair Representative Mary Lou Marzian called the meeting to order, made brief introductory remarks. Secretary Morgan expressed her appreciation for the HB 843 Commission. Rep. Marzian supported Sec. Morgan's appreciation by sharing a brief example of how HB 843 decisions help the citizens of Kentucky.

Introduction of New Members: Dr. Angela Wilkins, Department of Education, and Commissioner Mike Robinson of the Department for Medicaid Services were introduced as new members.

UPDATES

Recommendations of the Criminal Justice Council: Rep. Marzian reported that the Criminal Justice Council's recommendations are in line with the HB 843 recommendations, with the exception of the pilot program for the mental health courts. There will be further discussion of this issue in the future, with hope that an agreement can be reached. A copy of the "Kentucky Criminal Justice Council: An Interim Report" was included in each member's meeting packet.

Training and Recruitment of Staff: Sec. Morgan reported that she had looked closely at the recommendations that didn't have funding associated with them. One of these issues was how to improve credentialing of people available providing mental health services. She reported that the current infrastructure would be working with various committees already in place to see what can be done over the next six to twelve months. The most important piece will be to look at the curricula for post-secondary education and working with technical schools. Anyone interested in volunteering should contact Commissioner Pennington. She hopes that progress and timelines associated with that effort will be reported in the next quarter.

Anti-Stigma Campaign: Sec. Morgan reported that current funds will be re-distributed in order to mount a statewide effort on anti-stigmatization of mental health issues. Commissioner Pennington will be working with the committee. It is hopeful that a communications strategy can be developed within the next month. The Cabinet will identify the funds available for re-distribution. This campaign will be built upon efforts already under way statewide.

Flexible Funding: Before commenting on flexible funding, Commissioner Pennington shared a letter she received from Marsha VanHook giving credit to HB 843 process for improving the service delivery system for her brother and others with mental health issues. With regard to flexible funding, Commissioner Pennington reported that all fourteen (14) Regional Planning Councils had reported wanting more flexibility in terms of state dollars. A workgroup was identified to review all of the funding streams flowing through DMHMRS to the community. The actions taken were as follows:

- Danny Boggs, CEO of Cumberland River Comprehensive Care, will present various issues regarding case management funded by both Medicaid and State General Funds to the Joint Committee on Informational Continuity (JCIC), which works with Community Mental Health Centers and DMHMRS in relation to informational needs. There is concern that the current rules restrict the CMHC's ability to respond to people in crisis, particularly those without a severe and persistent mental illness.
- The workgroup will look at reporting related to grant-funded services. This will allow for data from a plan for a system of care, submitted by a CMHC, to be consistent across all fourteen regions. This has been assigned to both the Grants Committee and the JCIC.
- The workgroup would like to recommend to the HB 843 Commission that there be a focus on Medicaid funding of substance abuse issues. Given the budget shortfalls, the recommendation will not be made at this time. However, the workgroup feels that the HB 843 Commission should look more closely at this issue.
- There was concern regarding requirements placed on prevention funding. They would like to look at the federal requirements and those imposed by HB 843 Commission and consider the validity of those requirements.

KYMAP: This project, the Kentucky Medication Algorithm Project, will work to determine best practice in the use of psychotropic medications for various psychiatric illnesses. This evidence-based algorithm will try to determine which medications to try for a particular illness and in what order to try them. There has been a lot of interest in the Louisville community, including Central State Hospital, University of Louisville and Seven Counties Services. Major pharmaceutical companies, including Jansen and Eli Lilly are providing funding for this project. This funding will provide staff will work with doctors to oversee the reporting and outcomes mechanisms. The project has not begun yet, but training has started.

Regional Planning Councils: Steve Shannon reported on the activity of the Regional Planning Councils. They have remained active and have continued to meet on a regular basis, and some have added additional representatives. Two of the councils have reported that they will become active with KY ASAP. One region will use their Regional Planning Council as a local advisory group for the mental health block grant. They will expand the group to ensure that it consists of at least 51% consumers and family members. Mr. Shannon reported that there are two broad categories of activities in which the councils have been involved. These are:

- Councils are addressing local issues without waiting for statewide direction, such as updating the KY Cares website, grant applications, and public education regarding stigma and addiction.

- Public forums hosted by the councils and the CMHCs to educate the local community and legislators about mental health and substance abuse issues in preparation for the 2002 General Assembly.

ISSUES FOR 2002 GENERAL ASSEMBLY

Proposed Legislative Changes in HB 843: Rep. Marzian outlined the proposed legislative changes in HB 843. A working draft of these changes was included in the members' meeting packets. The changes discussed were:

- The commission must develop a two (2) year work plan beginning in 2002. However, they must submit an annual update to the Governor's office. The Regional Planning Councils shall submit their recommendations every odd numbered year. This will allow the Commission time to consider the recommendations. The Regional Planning Councils should review this and report back to the Commission.
- Commissioner Pennington discussed giving a small operating budget of about \$2000 for each Regional Planning Council.
- It is stated that the state plan and the work plan shall include strategies for increasing public awareness and reducing stigma associated with mental illness and substance abuse disorders. Rep. Marzian asked the Commission if this language should be included in both places.

The Commission members were asked to review the working draft and submit problems or changes to Rep. Murray Wood. The bill will be filed in both the House and the Senate.

Funding for HB 843 Initiatives: Sec. Morgan reported that an expansion request for HB 843 and HB 144 was included in the Cabinet's budget. For FY 2003, the request includes:

- \$2 million for safety net funding
- \$2 million for crisis stabilization
- \$2.5 million for community supports

For FY 2004, the request includes:

- \$2 million for safety net funding
- \$4 million for crisis stabilization (this would complete funding for Kentucky's crisis stabilization system)
- \$5 million for community support

Sec. Morgan emphasized that competition for dollars would be fierce, and that the requests were made based on what they could justify and defend. She expressed concern over expansions being in competition with existing, ongoing services. Sheila Schuster clarified that the aforementioned dollars were being requested for ongoing services, rather than for new programs. Rep. Marzian and Senator Borders expressed appreciation for Sec. Morgan's work in making funding recommendations. Howard Bracco expressed hope that objectives in areas with limited access to services not be compromised.

Supported Employment: Sam Serraglio reported that the Department of Vocational Rehabilitation's Supported Employment budget request is the number one expansion priority of the Workforce Development Cabinet. This is the first time in history that this has occurred. He expressed appreciation for the support of the HB 843 Commission and the HB 144 Commission in creating an educational opportunity, demonstrating collaboration between cabinets, and supporting the need for employment opportunities for persons who are significantly disabled.

KRS 202A/504: Rita Ruggles updated the Commission on an issue that was examined by the Task Force on Law, Violent Crime, and Serious Mental Illness. The issue focuses on a gap between the KRS 202, the civil commitment statute, and KRS 504, the competency to stand trial/criminal responsibility statute. If an individual is found incompetent to stand trial, the court is required to dismiss criminal charges. At this point, KRS 202A is pursued, and the person is sent to an inpatient psychiatric facility. The facility is bound by KRS 202A to release the individual if, at any point, they do not meet the criteria for civil commitment. The task force has recommended changes to KRS 504 to add: (1) a definition of violent crime; and, (2) a definition of individual with a serious mental illness. Rep. Burch reported that help is needed for clients in this situation and their families.

Advance MH Directives: Carolyn Kates-Glass, Director of Ky CAN reported on the issue of Advance MH Directives. Previously, she presented to the HB 843 Commission on behalf of NAMI and Ky CAN, bringing forth the ten rights of consumers of mental health services that these groups believed were the most important. Included in those rights were the right to psychiatric advanced directives. Advanced directives are directives written by the consumer regarding their treatment and medication when he or she is not well enough to make those decisions.

QMHPs (Qualified Mental Health Professional) & Duty to Warn: Dr. Sheila Schuster reported to the Commission on the issue. A piece of legislation will be introduced to the senate to add to the definition of QMHP in KRS 202A and KRS 645. Those proposed to be added and included in this definition will be the marriage and family therapist with three years of related experience in the public sector, and the professional counselor with three years of related experience in the public sector. Hopefully, this will increase the ability to do prompt and competent evaluations of persons facing involuntary commitment. Duty to warn speaks to a mental health professional's duty to report information regarding a client that may result in harm to another person. Legislation was passed by the General Assembly in 1988 which says that a mental health professional must do four things in these situations to avoid liability: 1) warn the police in the jurisdiction of the intended victim, 2) warn the victim, 3) warn the police in the jurisdiction of the client, if different from the victim, 4) institute involuntary commitment. Currently, it is unclear whether this applies only to QMHPs, or to all mental health professionals. Language is being developed to clarify the language to be sure that protection from liability applies to every mental health professional.

DISCUSSION OF THE COMMISSION'S ROLE

Reshaping Public Policy on MH/SA Issues: Representative Marzian expressed a desire for the HB 843 Commission to be recognized as the body to bring legislation and funding matters regarding these issues to the forefront. Sec. Morgan conveyed how important it is for the Commission not to become another advocacy body. The Commission should remain focused on the public policy issues, on helping to improve the system, and on how to improve communication between the partners within the system.

Planning with Input and Recommendations of Regional Planning Councils: Rep. Marzian reiterated the importance of the Regional Planning Councils, and their role of bringing local issues to the attention of the Commission.

Collaborating with Other Cabinets and Departments: Larry Greathouse expressed his appreciation of the opportunity to hear about the issues, and for the cross-cabinet, collaborative dialogue regarding mental health and substance abuse issues.

Motion: A motion was made and seconded to approve the minutes from the last meeting.

NEXT STEPS

IMPACT Plus: Sec. Morgan reported that the Program Review and Investigation Committee authorized the Legislative Research Commission (LRC) to do a study of the IMPACT Plus Program. This program has been very successful, but has also suffered from financial and programmatic issues. She reported that the Cabinet is very committed to maintaining the program, but some changes will be made. In the program review study of IMPACT Plus, the LRC recognized the HB 843 Commission as being a public policy arena for examining programs and for making recommendations relative to the mental health and substance abuse delivery system. The study recommended that the Commission look at behavioral health programming for children over the next two years, and to make recommendations. The Commission will look closely at treatment for autistic children. Sec. Morgan expects to accept the study and to make this referral to the Commission. This issue is expected to be on the HB 843 Commission's next agenda.

Next Meeting: The next meeting was scheduled for January 28th at 1:00 (location to be announced).

With no further business, the meeting was adjourned.